

INVENTOR: SEYMOUR et al.
Serial No. 10/764,977

REMARKS

A. Introduction

Claims 1-17 are pending and under consideration with claim 12 withdrawn.

Claims 8, 9, and 13-17 were rejected with claims 1-7 unexamined. In response, the rejections are traversed. No new matter is presented.

In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

B. Rejections

In the Office Action of 4/16/2007, the Examiner argued the following restriction requirement:

- I. Claims 1-11 and 13-17; and
- II. Claim 12.

The Examiner further argued the following figures provided patentably distinct species:

Species I: Figs 4 and 5;

Species II: Fig 6; and

Species III: Figs. 7-9

In Applicants response of 9/17/2007, Group I, Claims 1-11 and 13-17 were elected to address the Examiner's election requirement. Species III as illustrated in Figs. 7-9 was further elected in response to the Examiner's requirement. The species illustrated in Figs. 7-9 represent an embodiment of the present general inventive concept as claimed via claims 1-11 and 13-17.

Accordingly, Applicant has elected claims 1-11 and 13-17. The Examiner, however, neglected to examine claims 1-7 in the most recent Office Action of 11/20/2007, and erroneously states that "[c]laims 1-7 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim." See the Office Action, pg. 2, para. 1. A review of CFR 1.142(b) merely states in sum that after Applicant elects claims, those claims that are not

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indicated as "cancelled" by the Applicant, are "withdrawn," and therefore, not considered by the Examiner. Given that Applicant elected claims 1-11 and 13-17, and did not cancel claim 12, only claim 12 may be "not considered by the Examiner" according to CFR 1.142(b).

Accordingly, Applicant respectfully requests examination of claims 1-11 and 13-17 on the merits.

C. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

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